

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES M. SAYLOR,

Plaintiff,

vs.

STATE OF NEBRASKA, and NDCS,

Defendants.

8:20CV264

MEMORANDUM AND ORDER

This matter is before the court on its own motion. Plaintiff mailed a Complaint ([filing 1](#)) on June 29, 2020 and which was filed in this court on July 2, 2020. However, Plaintiff failed to include the \$400.00 filing and administrative fees. Plaintiff has the choice of either submitting the \$400.00 filing and administrative fees to the clerk's office or submitting a request to proceed in forma pauperis ("IFP").¹ Failure to take either action within 30 days will result in the court dismissing this case without further notice to Plaintiff.²

IT IS THEREFORE ORDERED that:

1. Plaintiff is directed to submit the \$400.00 fees to the clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.

¹ If Plaintiff is granted leave to proceed IFP in this matter, he will be allowed to pay the court's \$350 filing fee in installments. *See* 28 U.S.C. § 1915(b)(1); *In re Tyler*, 110 F.3d 528, 529–30 (8th Cir. 1997). He would not be subject to the \$50.00 administrative fee assessed to non-IFP plaintiffs.

² Plaintiff has indicated to the court that he has requested that his institution prepare and send a check to cover the \$400.00 filing and administrative fees. ([Filing 3](#).)

2. The clerk of the court is directed to send to Plaintiff the Form AO240 (“Application to Proceed Without Prepayment of Fees and Affidavit”).

3. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text: **August 5, 2020**: Check for MIFP or payment.

Dated this 6th day of July, 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge